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SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE
OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS

SUMMARY RECORD OF THE 9th MEETING

Held at Headquarters, New York,
on Thursday, 31 August 1978, at 10.30 a.m.

Chairman: Mr. CUEVAS CANCINO (Mexico)

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proposals and suggestions submitted by States (continued)

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The meeting was called to order at 11 a.m.

CONSIDERATION, PURSUANT TO PARAGRAPH 2 OF GENERAL ASSEMBLY RESOLUTION 32/150, OF PROPOSALS AND SUGGESTIONS SUBMITTED BY STATES (continued) (A/AC.193/L.3)

1. Mr. ALBORNOZ (Ecuador) said that if the Special Committee was successful in defining various types of situations in a more precise manner and in formulating recommendations to reinforce the machinery for implementing the system provided for in Article 2 of the Charter, it would have fulfilled its mandate, since that article requested Member States both to refrain from the use of force and to settle their disputes by peaceful means.
2. If the concepts embodied in those paragraphs were not given effect, there was no possibility of any form of coexistence which would permit States to develop freely without outside interference. It was of the utmost importance that the peaceful settlement of disputes should be made obligatory on a global basis, not only as a responsibility of the parties to a dispute but as a duty of the international community, so as to make disarmament possible and effective and thus reduce the enormous cost of the arms race, which had spread to include even the poorest countries of the developing world.
3. The Minister for Foreign Affairs of Ecuador had stated at the thirty-second session of the General Assembly that, since peace and security were indivisible, disputes between nations were a legitimate cause of universal concern. Addressing the tenth special session of the Assembly, he had said that it should be considered a duty of States to adopt, together with universal disarmament measures, such regional measures as might be facilitated by reduced tensions and the peaceful settlement of disputes. Noting that Ecuador had taken an active part in drafting the Treaty of Tlatelolco, which provided for the denuclearization of Latin America, he expressed the hope that that region would ultimately become a genuine zone of peace in which conventional weapons and all forms of foreign intervention would also be prohibited.
4. The Special Committee should examine the various aspects of the use of force which must be prohibited in international relations. With the sole exception of the right of self-defence set forth in Article 51 of the Charter, the use of force could be legally sanctioned only by the international community. It was also important to analyse and define even the right of self-defence, which should not be invoked to justify the astronomical costs of the arms race and to reject such positive proposals as that calling for a small percentage of the money currently spent on armaments to be used to improve the well-being of the masses of the world. Safeguards were likewise necessary in order to prevent self-defence from being invoked in cases of unfounded claims of foreign aggression.
5. The Committee must define both the open and the disguised ways in which force was used. Economic aggression, for example, could take the form of refusal to fulfil obligations to promote development, the erection of trade barriers by wealthy countries, failure to expedite the transfer of technology, the control of prices and distribution by powerful transnational forces, and the promotion of

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(Mr. Albornoz, Ecuador)

instability through currency fluctuations and imported inflation. Other forms of the use of force were ideological infiltration and economic or political sabotage.

6. Although reiteration of the principles of the Charter was proof of their vitality, it was also true that the world had changed since the signing of the Charter and that new problems had arisen. Even without amending the Charter, much could be accomplished through more precise interpretations that took account of new concerns and of the desire of Member States for peace and security. The Committee must formulate specific measures for strengthening the machinery for the peaceful settlement of disputes provided for in Chapter VI of the Charter.

7. A number of recent international instruments upholding the principle of the non-use of force in international relations represented significant steps in that direction. He noted, in particular, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)), General Assembly resolution 2936 (XXVII) on the non-use of force in international relations and permanent prohibition of the use of nuclear weapons, the definition of aggression contained in resolution 3314 (XXIX) and the Final Act of the Conference on Security and Co-operation in Europe. Those texts had not amended the Charter but had, rather, cited its provisions in the light of developments over the past three decades. Taking as a basis the various submissions by Governments, including the draft Treaty submitted by the Soviet Union, the Committee must strive for unanimous agreement on a document which represented a real step forward and not a mere statement of aspirations. The ultimate form of the document was not important, provided that it reflected the unanimous determination of all countries to fulfil commitments which had already been entered into and now called for reaffirmation.

8. Mr. SALUP (Cuba) recalled that it was his country's policy to work to secure a just and lasting peace for all peoples in accordance with the Leninist principles of peaceful coexistence among countries with different social systems. War did not and could not resolve international disputes and, with the exception of wars of independence and national liberation, had always been imposed upon peoples by those who practised colonialism, neo-colonialism and imperialism. It was because peace was universal and indivisible and must benefit all countries and peoples that his Government had always striven to strengthen international peace and security.

9. His delegation had been an active participant in the special session of the General Assembly devoted to disarmament and had joined in all international efforts to achieve general and complete disarmament and to strengthen international détente. In that connexion, it welcomed the achievements of the Conference on Security and Co-operation in Europe, which must be consolidated and extended to every continent. At no time in history had the struggle for peace been so necessary, and at no time had weapons acquired such destructive powers and had the risk of man's annihilation been so great. His country was struggling, therefore, for an end to the arms race, for general and complete disarmament and for a ban on the use of nuclear weapons and other means of mass destruction. It was also working to help create zones of peace in various parts of the world.

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(Mr. Salup, Cuba)

10. The Conference of Foreign Ministers of Non-Aligned Countries, meeting in Belgrade in July 1978, had expressed particular concern at the reversals in the process of détente and at the dangerous tendency of the imperialist countries to reactivate certain cold war attitudes. The non-aligned countries had always worked for a relaxation of international tension and had supported all efforts to resolve conflicts by negotiation. At the Belgrade Conference, they had reiterated that one of their fundamental objectives was to eliminate the use of force and pressure in international relations. They had added that, in order to prevent further tension, détente must become a positive factor aimed at achieving a new and more equitable system of international relations and that it must be extended to all regions of the world and all spheres of international life. That could be achieved only if the Charter was applied strictly and if all countries participated on an equal footing in the resolution of key international issues.

11. At the same conference, his country had maintained that conflicts between non-aligned countries, and among under-developed countries in general, must be resolved by negotiation and without recourse to the use of force and that such countries must establish closer co-operation among themselves and, above all, avoid playing into the hands of imperialism. It had also condemned all imperialist intervention in the internal affairs of any State, in particular the use of force and economic aggression.

12. The use or threat of force had always been present in international relations. Neither the principle of the non-use of force nor its incorporation into the Charter had prevented force from being used in international relations, and his country had wondered whether more stringent measures were therefore needed to enforce that principle. That was why it had voted for General Assembly resolution 32/150 and had always been in favour of the creation of the present Committee, believing that a world treaty on the non-use of force would enhance the effectiveness of the Charter. His delegation felt that additional guarantees were needed, in accordance with the various precedents whereby United Nations principles had been incorporated into treaties governing international relations. It therefore supported the Soviet initiative and fully endorsed the contents of document A/AC.193/L.3, which provided an excellent basis for the Committee's work. It believed firmly that a treaty on the non-use of force would strengthen the system of collective security established by the Charter and would help to ensure lasting peace and security throughout the world and to guarantee the political independence and territorial integrity of all States. Such a treaty would guide countries in their efforts to ensure that international disputes were resolved by negotiation and without recourse to the threat or use of force. Moreover, it would have a positive effect on disarmament and on efforts to end the arms race, thus ensuring that the enormous sums currently spent on the production of arms were used for the benefit of mankind and to finance the economic development of peoples, in particular the under-developed countries.

13. It was vital that the final text of such a treaty should not impair the legitimate right of peoples under colonial domination, racist régimes and foreign domination to resort to all forms of struggle, including armed struggle, in order to gain their national liberation and independence.

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14. Mr. BLOMBERG (Finland) recalled that the principle of the non-use of force was the corner-stone of international peace and security and that the emergence of détente reflected a recognition of that fact. Any strengthening of that principle would therefore contribute to détente, be it at the bilateral, regional or global level.

15. As a small country with relatively few weapons, Finland relied primarily on political means for its national security, maintaining a policy of neutrality and endeavouring to enjoy friendly relations with all States. It therefore had a vested interest in the creation of a more rational and peaceful world order, which would, of course, exclude the threat or use of force as an instrument of national policy. Any steps which were taken towards achieving that goal must be evaluated in the light of the practical and immediate effects which they would have on promoting international peace and security. The process highlighted by the Conference on Security and Co-operation in Europe was a tangible example of such an approach.

16. Of course, any pledge to refrain from the use of force would have only limited effect unless it was universally recognized and accompanied by a commitment to settle disputes by peaceful means alone. The legal means of preventing the use of force should therefore be accompanied by an improvement in means of co-operation and in procedures for the peaceful settlement of disputes. The concept of peaceful settlement of disputes was well entrenched in the system embodied in the Charter; yet, it was still relatively under-developed. The Committee would therefore do well to draw, inter alia, on the work of the forthcoming meeting of participants in the Conference on Security and Co-operation in Europe, to be held in Montreux, which would examine and elaborate a generally acceptable method for the peaceful settlement of disputes in order to complement existing methods.

17. The use of force was often seen as the only means of achieving justified and internationally recognized objectives, especially in regions where national self-determination had still not been achieved. The United Nations must therefore be vigilant and take positive steps to create conditions whereby peaceful means of settling disputes might supersede the use of force. Of course, if the instrumentalities of force were themselves reduced, that would enhance measures to strengthen the principle of the non-use of force: arms control and disarmament were important and would ultimately be the most effective means of reducing the use of force. At the same time, economic interests, in particular the distribution of national resources, now played an increasingly significant role in many international disputes. Accordingly, the establishment of a world order which was economically more equitable would help to increase the security of all countries. International co-operation was therefore increasingly needed in order to overcome difficulties in implementing a new international economic order.

18. His country had always supported all international efforts to remove the threat or use of force in international relations, and it realized that such efforts must be conducted by various means in order to tackle situations of conflict and to remove their underlying causes. It therefore welcomed the Soviet proposal for an international instrument prohibiting the use of force; such an instrument would provide a renewed commitment to the non-use of force in international relations, in accordance with the spirit of the Charter.

The meeting rose at 11.40 a.m.